

CHAPTER NO. 133

HOUSE BILL NO. 540

By Representatives Bone, Phelan, Givens, Montgomery, McCord, McDaniel, McDonald, Fraley, Walker, Davidson, Winningham, Goins, Baird, Curtiss

Substituted for: Senate Bill No. 291

By Senators Rochelle, Crowe, Burks, Clabough, Cooper, Trail, Williams, Graves

AN ACT to amend Tennessee Code Annotated, Title 67, Chapter 3, Part 17 and Title 67, Chapter 3, Part 19, relative to the sale of dyed diesel fuel at retail.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 67, Chapter 3, Part 17, is amended by adding the following language as a new, appropriately designated section:

Retailer's license for dyed diesel fuel. Any person engaged in business in this state as a retailer as defined in part 12 of this chapter, who does not hold a license as a wholesaler, and who is in, or intends to engage in, the business of selling dyed diesel fuel to end users, shall first obtain a retailer's license under this chapter.

SECTION 2. Tennessee Code Annotated, Section 67-3-1910, is amended by deleting the existing language and substituting the following:

(a)

(1) A licensed retailer selling dyed diesel fuel at a retail station shall, in addition to the other requirements of this chapter, dispense the dyed diesel fuel to the end user from:

(A) A pump or device located on an island separate from any undyed diesel fuel pump;

(B) A pump or device located no closer than ten (10) feet from any undyed diesel fuel pump or device on the same island; or

(C) A pump or device for which there is an attendant stationed and in attendance on the pump island.

(2) The outside diameter for the dispensing nozzle on any such pump or dispensing device shall not be less than one and three-eighths inches (1-3/8").

(b) A licensed wholesaler may sell dyed diesel fuel using a customer-controlled pump located at a retail station, subject to the requirements of Section 67-3-1501(i), other than the requirement that the customer be a governmental agency.

(c) All sales of dyed diesel fuel at retail shall be recorded by the seller at or near the time of the sale and the invoice shall contain the date of the purchase and delivery, along with the purchaser's name and address, type of fuel, a

notation for dye added, the number of gallons purchased, the amount of state and local tax and the total dollar amount of the sale.

(d) Notwithstanding any other provision of this chapter, all dyed diesel pumps or devices installed or made operational after January 1, 2001, shall be located no closer than twelve feet (12') from any undyed diesel fuel pump. This requirement does not apply to replacement pumps or devices for those dyed diesel pumps or devices existing as of January 1, 2001, and otherwise compliant with the requirements of this chapter.


SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: April 23, 2001


JIMMY RAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 26th day of April 2001


DON SUNDQUIST, GOVERNOR